

Message Text

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43

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 IOE-00 ACDA-19 CIAE-00 INR-10

L-03 NSAE-00 NSC-07 RSC-01 SCI-06 FEAЕ-00 SAM-01

DRC-01 /088 W

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 4577

INFO AEC GERMANTOWN PRIORITY

AMEMBASSY MADRID PRIORITY

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E.O. 11652: N/A

TAGS: IAEA TECH SP

SUBJECT: AMENDMENT TO US/IAEA/SPAIN TRILATERAL SAFEGUARDS

TRANSFER AGREEMENT

REF: IAEA VIENNA 4460

1. SUBJECT AMENDMENT APPROVED BY IAEA BOARD OF GOVERNORS
JUNE 12.

2. IN ATTEMPTING TO ARRANGE FOR SIGNATURE OF AMENDMENT, IT IS UNFORTUNATELY CLEAR THAT OUR DISCUSSION WITH SPANISH REP ALBA PER PARA 4 REFTEL RE NEED FOR SIGNATURE BY JUNE 30 HAD LITTLE, IF ANY, EFFECT. ALBA APPARENTLY DID NOT RPT NOT SEEK NECESSARY AUTHORIZATION TO SIGN NOR RAISE QUESTION OF SIGNATURE WITH MADRID AND NOW INDICATES THAT IT WOULD BE DIFFICULT IF NOT RPT NOT IMPOSSIBLE TO OBTAIN AUTHORIZATION TO SIGN MANEDMENT BY JUNE 30. HE WONDERS WHY AMENDMENT MUST BE SIGNED BY JUNE 30 AND NOTES THAT, FROM THEIR STANDPOINT, IT MIGHT BE PREFERABLE TO WAIT UNTIL NEW SPANISH AMBASSADOR ARRIVES NEXT MONTH. MISOFF EXPLAINED RELATIONSHIP TO NEW BILATERAL AND JUNE 30 DEADLINE ON ENRICHMENT SERVICES CONTRACTS WITH AEC. (AS LIMITED OFFICIAL USE

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MATTER OF INFORMATION, MISSION WOULD APPRECIATE LEARNING

HOW MANY ENRICHMENT SERVICES CONTRACTS ARE INVOLVED AND THEIR DOLLAR VALUE AND CONSEQUENCES IF JUNE 30 DEADLINE NOT RPT NOT MET.) ALBA UNDERTOOK TO DISCUSS MATTER AGAIN WITH MFA MADRID, BUT WE DETECT CLEAR LACK OF APPRECIATION FOR ANY URGENCY.

3. AFTER FOREGOING PREPARED, SPANISH CHARGE' ENRIQUE MAHOU CONTACTED MISOFF TO OBTAIN EXPLANATION RE NEED FOR AMENDMENT TO BE SIGNED BY JUNE 30. MISOFF AGAIN WENT OVER MATTER IN DETAIL AND MAHOU SEEMS TO UNDERSTAND.

4. MAHOU SUBSEQUENTLY CALLED MISOFF AGAIN TO REPORT THAT HE HAD BEEN IN TOUCH WITH MFA AND JEN MADRID ON QUESTION OF SIGNATURE. HE WAS ADVISED THAT COUNCIL OF MINISTERS WOULD HAVE TO PROVIDE NECESSARY AUTHORIZATION TO ISSUE PLENIPOTENTIAL POWERS TO SIGN AMENDMENT. COUNCIL SCHEDULED TO MEET FRIDAY, JUNE 21, BUT FOREIGN MINISTER WOULD BE IN WASHINGTON FOR DISCUSSIONS WITH SECSTATE KISSINGER ON THAT DATE AND WOULD BE UNABLE, THEREFORE, TO ATTEND COUNCIL OF MINISTERS MEETING. RESULT IS THAT EARLIEST TIME SUCH AUTHORIZATION COULD BE OBTAINED WOULD BE IN ABOUT 3-4 WEEKS. WHEN ASKED WHETHER FONMIN'S DEPUTY OR SOMEONE ELSE COULD ATTEND COUNCIL MEETING INSTEAD, MAHOU SAID HE ALSO RAISED THIS POSSIBILITY, BUT APPARENTLY IT CANNOT BE DONE. MAHOU ASKED ABOUT POSSIBILITY SIGNING AMENDMENT IN JULY BUT BACKDATING IT TO JUNE 30. MISOFF NOTED THAT THIS MIGHT POSE SERIOUS LEGAL PROBLEMS BUT AGREED TO PASS ON QUERY TO WASHINGTON. (AGENCY MIGHT ALSO HAVE PROBLEM WITH THIS PROCEDURE.)

5. IN VIEW FOREGOING, MISSION SEES NO RPT NO POSSIBILITY SIGNING AMENDMENT TO TRILATERAL BY JUNE 30, BARRING SOME EXCEPTIONAL DEVELOPMENT. MISSION REQUESTS GUIDANCE ON WHAT FURTHER STEPS, IF ANY, WE SHOULD TAKE. PORTER

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